

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRIDGET WALKER, et al.,

Plaintiffs,

v.

Case No. 10-12596

CARMEN EVANS, et al.,

Defendants.

**ORDER GRANTING IN PART AND DENYING WITHOUT PREJUDICE IN PART
PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT**

The court held a continued hearing on Plaintiffs' motion for default judgment on August 23, 2011, after the initial hearing on August 10, 2011. On August 15, 2011, the court granted the motion in part, with respect to two Plaintiffs who testified at the first hearing, Bridget Walker and Kejuana McCants. Two Plaintiffs, Leon Merriweather and Malik Slater, failed to appear at the first hearing, and the continued hearing was scheduled so that the court could receive the testimony of these Plaintiffs before resolving the motion. At that hearing, only Leon Merriweather appeared and offered his testimony. Therefore, the court will grant the motion in part, as to Leon Merriweather, and will deny it in part, as to Malik Slater. The denial will be without prejudice, and the court will entertain a motion by Malik Slater if he can show good cause for his repeated failure to appear and prosecute his motion.

At the continued hearing, the court also requested that Plaintiffs' counsel submit an additional supplemental brief. Observing that the first supplemental brief filed by counsel reflects verdicts and settlement amounts from matters primarily involving state

actors who inflicted injuries on the plaintiffs in those cases, the court asked for counsel's assistance in identifying verdicts or settlement amounts in cases involving injuries more closely analogous to those at issue here, that is, those of a similar kind inflicted by private actors. The court requested that counsel file the brief within approximately two or three weeks, along with a proposed form of default judgment. Following receipt of the brief, the court will make a determination as to the amount of the judgment.

Accordingly,

IT IS ORDERED that Plaintiffs' "Motion for Default Judgment" [Dkt. # 33] is GRANTED IN PART and DENIED IN PART. It is GRANTED with respect to Plaintiff Leon Merriweather. It is DENIED without prejudice with respect to Plaintiff Malik Slater. Default judgment will be entered following a determination of the amount of the judgment, as described above and in the court's August 15, 2011, order.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 25, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 25, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522